IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.625 OF 1992

The State of Maharashtra ...Appellant.

V/s

Normal Pokhrajji Jain
R/a. K.N. Company house
No.124/A, Haidry Bldg,
S.V.S. Marg, Mahim
Bombay - 16. ...Respondent.

Mr. D.P. Adsule, APP for the appellant.

None for the respondent

CORAM: V.M.KANADE,J.

DATE: 9th December, 2004

ORAL JUDGMENT:

1. Heard the learned APP for the appellant. None appears for the respondent.

2. State is challenging the Judgment and Order passed by the Metropolitan Magistrate, 35th Court, V.T. Bombay in Criminal Case No.133/S/82. Respondent was charged for having committed an offence under section 3(a) of the R.P.(U.P.) Act, 1966. On the perusal of the evidence, it can be seen that P.W. 2 - Talikhan has not certified that the material which was found in the shop of the accused was railway property. Similarly, there is no evidence on record to indicate that this property was missing from the railway

department. There is no reason to interfere with the order passed by the trial Court. Appeal is, therefore, dismissed.

V.M. KANADE, J.